

**COUNCIL MINUTES**  
**FEBRUARY 4, 2015**

The City Council held a meeting on Wednesday, February 4, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Economic Development Director Danny Stewart; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Water Superintendent Robbie Mitchell; Street Superintendent Jeff Hunter; Public Works Director Ryan Marshall; Project Engineer Jonathan Stathis; Fleet Maintenance Manager Corey Childs.

**OTHERS PRESENT:** Douglas M., Earl Paddock, Connie Lloyd, Jasmine Lewis, Alex Homer, Brijette Williams, Jessica Sury, Gaylord Robb, Kathy Wyatt, Naomi Wyatt, Porter Prowl, Ellen Treanor, Michelle Judd, Shannon Decuir, Brianna Decuir, Mike Mower, Dan Laguna, Scott Jolley, Rich Cannon, Linda Kuar, Faith & Bob Busson, Tom Jett, River Tiffany, Wayne Hall.

**CALL TO ORDER:** Father Bob of Christ the King Catholic Church gave the opening prayer; the pledge of allegiance was led by Councilmember Rowley.

**AGENDA ORDER APPROVAL:** Councilmember Marchant moved to approve the agenda order; second by Councilmember Adams; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS:** ■Rowley – last week I spoke of speeding garbage trucks, it turns out that they were not our trucks; I apologize to Mr. Hunter for that error. ■Mayor – remember the Chili Dip is Saturday; the costume contest starts at 11:30 the dip is at noon. It would be great if any of you would participate.

**PUBLIC COMMENTS:** ■Michael Mower of Upper Limits Aviation, I am here for my personal feelings and that of Upper Limits. We have not fostered the relationship with the City that we thought to foster with SUU, we are deeply sorry we didn't see the needs of the community and the City. I have met with some of you, it is embarrassing, and I want to assure you that as we move forward all efforts will be made to come to a reasonable and equitable solution. We applied a model to this location based on our Salt Lake location and I sincerely apologize and assure that we will move forward with good faith in a friendly manner. Marchant – I feel confident that we can move forward amicably with good feeling and feel good with what has come about. We will move forward with positive attitudes. Black – I met with Mike and Lois and it spoke volumes of the company and this does of you as a man and as a company and we will smooth that over. ■Jessica Sury, I work at the South Preschool – a few weeks ago where the buses

came up to drop off the children, the storm grate was off. I told my husband and he said I wouldn't have to call again if Jeff Hunter knows about it, it will be fixed and it was.

■River Tiffany, Dickey's Barbecue Pit, I have signs around town; I pick up signs each time. Could I set up a bond and be able to put my signs and pick them up. It is a good way for me to get to people that are not on social media. Rowley – are those the signs picked up by Code Enforcement? Yes, by the VIPS last week, the Code Enforcement this week. I would like to put a bond and continue my business, if I don't pick them up you keep the money and the signs. I am not the only one that will come to you. Danny Stewart has taken notes to look at this. Cozzens – has the Pizza Cart helped with traffic? Yes.

**DISCUSS STORM DRAIN CONCERNS FOR PROPERTY LOCATED IN THE VICINITY OF 525 NORTH 100 EAST – WAYNE HALL:** Wayne Hall – I decided to take this approach because previous attempts have been less than favorable. I want to address this publically. History of the property, Mountain Towing has been running 20 years, my family has owned it for 40 years, I am adjacent to Brad's Food Hunt. There were houses where my shop is and where the Paiute buildings are. The houses were lower. Lot 7 & 14, the old infrastructure there to protect the homes was basically an open ditch that ran along my yard to the creek and a retention pond that would run into the creek. I have before and after satellite pictures. There was concrete, stem walls and head gates that kept the water away from the homes. During the construction of the walking trail which we were a part of, we met with Mayor Sherratt and made a land deal with the City. When the water came down from the Church Cannery it would come down and fill up the ditch and go into the creek and we never had water in our yard. After the completion of the walking trail, and I expressed concerns when they filled it in. The first rain we had water to my waist and I called Phil Schmidt, it was a Sunday, and he put in a temporary emergency drain. There was water backed up to the church door at the Paiute Tribe. Rowley – is the pipe not large enough? Wayne – no, too much emphasis on keeping the water in Coal Creek, that where all the water flows, so when they filled it up there was nothing left to drain the water, Phil put in an emergency drain and it took 6-8 hours to drain the area. This impeded the natural flow and filling in the retention pond that worked for many years and so there was nowhere for the water to go. The culvert goes under the street, what flows naturally now goes into my yard. I am concerned, it has been about 8 years since it was completed, they should have fixed this. This happens every time it rains and when the snow melts. The City owns the property; if they would have left it and beautified it, it would still work. We are now the low point. Even if they tie in a curb drain, I believe when the high flow off the mountains, it will still be dwarfed with the amount of flow that naturally occurs. I built a new shop and I have had 11-12 inches of water in their twice. If they connect the gutter drain to the underground storm drain it won't be enough. I would like the City to put an open pond and go under the trail to drain into the creek. I don't see the buried one solving the problem.

Black – Kit are there any utilities on the west side of the road? Kit - I don't believe so. Jeff Hunter – there is. Wayne – when they put the building in at the Paiute Tribe in they came to look at putting concrete in my property but couldn't because the fiber optic line is only 12 inches deep. Marchant – is there not a depth requirement. Kit – it is a private

line, if we did something in the area they would have to lower the line at their own expense. Wayne – I don't think it should be my responsibility as a left over mess for what the City created. The esthetics are much better now, but it worked then, not now.

Kit – this berm along here was for the Coal Creek Flood Control project and protects and area from flooding. We designed an enlarged inlet box 5' X 2' and put the inlet on top of the box. The pipe has to be less than ½ full before the water can get into the pipe. We can go in and look at something as far as grading to make it as a retention area, but the water will eventually have to get into Coal Creek. Rowley – to be 20 feet from the creek and not be able to get the water out is an issue. Kit – the intent was to keep the water in the creek. Wayne – they overlooked this issue. The system was created by time and history, it may have been primitive, but it worked. I would hope that the curb drain would facilitate some of the storm, but you get a microburst in the summer and the pipe is pressurized and that is when the temporary drain fills up. Marchant – can we have Engineering look at the issue and come back with a report. A 100 year flood encroaches on his property. Kit – we will come up with some options. Cozzens – I can't imagine that not working? Kit – it depends on how much water is in the pipe. Wayne – there was not an inlet. Cozzens – if the 48" pipe is full, can we run another culvert? Kit – yes. Wayne – I just want this resolved. Cozzens – I remember looking at this a few years ago when the Paiutes built their building and the fiber optics was not deep enough. Wayne – that is when I tried to put the curb in at that time and they contractor would not do it because of the fiber optic line. I don't want to fight, I just want it resolved.

**DISCUSS PARKING AT THE SENIOR CITIZEN CENTER ON 200 SOUTH –  
CONNIE LLOYD/KIT WAREHAM:**

Connie Lloyd – we are here because we have been parking on an angle since 1987 at the Senior Center, it has never been recorded, I believe there was one complaint by a bicycle person. The officer came and said it had never been recorded. We have in the front of the building 3 ADA parking stalls. We put cones by one to bring our bus in and let our frail seniors off the bus, the other two are to the east of the entrance. We have 2 other places on the west side of the parking lot which is an "L" shape.

Kit – with the angle parking there will have to be a modification to the bike trail to be behind the cars instead of under them. There is enough room on the street to do that, but there will need to be some restriping. Rowley – it wouldn't take much to move the bike lane. Connie – on the day of a large activity we fill the parking, there is some parking along the back. If there is an overflow they parallel across the street. Marchant – how many do you accommodate? Connie – it depends on the activity, there are several activities going on and we have lunch that we serve 45-60. Thanksgiving and Christmas lunch is about 80-90. Rick – are most of the people that park there make a left hand turn from east bound lane? Yes. Adams – is there any difference in bike lanes behind angle or perpendicular parking? Kit – no, we have bike lanes around SUU behind the angle parking. Connie - We had a disability action committee come by and we didn't have the handicapped parking marked on the road, but you had new pavement and it got covered. The City, Ryan Marshall has been up there and restriped the side of the building the two handicapped stalls. Black – the road neck narrows, is there enough room. Kit – the road

plan. They don't need to see the construction drawings and preliminary plans. They won't need to see the final plat; this will help streamline the process. The other thing we are proposing, in the past City Council has only seen final plat, we are proposing they see vicinity and final plat. We have had times in approval of a subdivision when it gets to City Council and they want to make a change and the developer has been through everything with construction plans and final plat and it is expensive. We are proposing to have the council look at the vicinity plan to make sure their desires are met at that point.

Preliminary plans will now be approved by the City Engineer which is the construction drawing stage. We don't see a need to take that to the Planning Commission or City Council.

We are proposing PUD's only be allowed for attached residential town homes and condominiums developments, gated residential communities, commercial and industrial developments and for additional phases that are contiguous with existing detached single unit residential PUDs and in the same HOA. We are not going to allow PUD's for single family homes unless they are in a gated community or an additional phase to a contiguous PUD. Most of you have had the experience of people coming in and had problems with streets and snow plowing being taken care of and saying why is the City not doing this.

Street lights are required in all subdivisions. We wouldn't require them if they are against CC& R's, Equestrian Pointe does not allow street lights.

32-9(3) (L) – we have a few instances with double fronted lots, it causes esthetic issues and access issues. We are proposing if you have that situation you have to have a 6 foot high site obscuring fence. Black – what if it is a cul-de-sac. Kit – we have that on Cedar Meadows and 1045 North.

Wild land accesses, as the City builds out against public lands, the fire department needs to have access to be able to fight fires, and we can request a 20' wide access between two lots that would be a public street.

If you build a subdivision and it is not contiguous with an existing street and you need an access road, if you own that property then you will be required to put in curb and gutter and develop the street full width, it causes problems with maintenance when there is only 20 feet of asphalt. If you are putting it across someone else's property then it is only the 26' access.

10% warranty bond for subdivisions and PUD's. we have had issues in the past where the developer got it done and the warranty period starts and we can't get the developer or contractor to fix it, so this give us some money to fix it. Cozzens – is that only a year. Yes.

We are requesting that after a developer submits his application and pay fees he cannot begin any construction, including clearing and grubbing until final plat is approved. We

had a lot of problems with this in the boom and it causes a problem with the approval process. We want them to hold off until they get a final plat approval. Rowley – what happens if they do? Cozzens - \$500 per lot penalty. Kit – we will propose that in the fee schedule with the budget.

We are proposing no building permits issued on a platted subdivision until all improvements are in and accepted by the City. We had a lot of problems with this in the boom. Developers would sell a lot, they would start the home and the subdivision would be done the same time as the house and the curb, gutter is chipped and sidewalk broken and we would tell the developer to fix it and he blames the homeowner and it was a finger pointing problem.

Rowley – this is some good work. Action.

**CONSIDER AN APPOINTMENT TO THE AIRPORT BOARD – MAYOR**

**WILSON:** Mayor – I am recommending Mark Leavitt be appointed to the Airport Board, he is a pilot and has experience and interested in being involved. Consent.

**CONSIDER PARTICIPATING WITH THE LEAGUE OF CITIES AND TOWNS  
IN EVALUATING TRANSPORTATION FUNDING – RICK HOLMAN:**

Rick – you have heard one of the top items at the legislature is transportation funding. We are asking The Utah League of Cities and Towns look at the funding, noting that the gas tax has not changed since 1987, with no indexing it has lost about 40% purchasing power. The City receives about a million a year in gas tax and that is what Jeff spends in maintenance each year. We committed some of our C-road to the south interchange, with the small urban to do a widening of the Coal Creek overpass, UDOT will not do that alone, we will have to contribute. If you look at some of the streets in town that need reconstruction the C-road funding will not take care of that. I am asking if we should pass a resolution supporting the League and Transportation Coalition in reviewing transportation funding for anticipated growth in the State of Utah. At Local Officials Day we talked with Senate and House representatives and they are at different ends on how to address. There is a local option sales tax and that is shifting the responsibility and we feel that the State should recognize that issue. The other part is the Salt Lake Chamber of Commerce is offering to let cities participate in an effort to educate the public why transportation funding is needed and they are asking cities to contribute \$1,000 and they would provide research and information to help educate our citizens. The Legislature will act on what they feel is necessary, but I think we should support the Transportation Coalition in evaluating this. Mayor – when we were at the Legislature, this is a major issue, they are at polar opposites on where we should go, but both know something needs to be done. We had a long detailed chat with the new speaker of the house on how it will affect our community. Marchant – where we fit into the equation, we know the problems on the Wasatch Front, I haven't established a position, but we need to look out for our own issues. Rowley – any revenue raised would end up north. Rick – if they take the approach, it is based on local needs. We will continue to monitor the efforts to make sure whatever the increase will go proportionately with local communities. Action.

**ADJOURN:** Councilmember Marchant moved to adjourn at 7:08 p.m.; second by Councilmember Adams; vote unanimous.

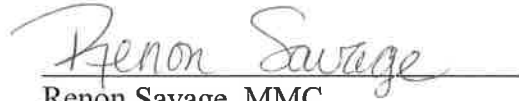
  
Renon Savage, MMC  
City Recorder

EXHIBIT "A"  
FEBRUARY 4, 2015

CEDAR CITY  
Chapter 32  
Subdivision Ordinance Update Summary  
2014

(\* Indicates major change)

SECTION	Change Description
Index	Included page numbers in ordinance index for easier reference.
32-3	Required that all lot line adjustments, Minor lot subdivisions, Platted Subdivisions and PUDs come to Project Review Meeting as first step of process.
*32-6 Step 2	Divided minor lot subdivisions into simple and detailed minor lot subdivisions so that any required city improvements are installed before building occupancy with simple minor lot subdivisions and at time of subdivision for detailed minor lot subdivisions.
*32-5	Proposing subdivisions Lot and parcel boundary Line adjustments need only be approved by City Engineer or Planning Commission, not City Council. (Modified Definition of Lot Line Adjustment)
*32-6 Step 9, 32-7 Step 10 and 32-8 step 10	Require that testing and construction management costs be included in the improvement cost estimates for Detailed Minor lot subdivisions, Platted Subdivisions and PUDs.
32-7 and 32-8	Approval process for platted subdivisions and PUDs made the same.
32-7 Step 12 and 32-8 Step 6	Made consistent 2 year time limit from the approval of the vicinity plan, preliminary plan or construction drawings to the approval of the final plat in subdivisions or PUDs before having to restart to process.
*32-7 and 32-8(3)	Planning Commission now only approves the vicinity plan for platted subdivisions and PUDs
32-7 Step 12 (2) R	Planning Commission Chair Approval certificate for Platted Subdivisions and PUDs will refer to Planning Commissions Approval of the Vicinity Plan only.
*32-7 and 32-8(3)	City Council will now approve the vicinity plan for platted subdivisions and PUDs as well as the final plats as in the past.
*32-7 and 32-8(3)	Preliminary plans for platted subdivisions and PUDs will now only be approved by City Engineer as part of the approval of the engineering drawings.
32-7 step 13 and 32-8 step 13	All final plats for platted subdivisions and PUDs are to be an original <u>inked</u> mylar.
32-7 step 7	Soils report now required for detail minor lot subdivisions like platted subdivisions and PUDs.
*32-8 (2) (C)	PUDs will only allowed for attached residential town home and condominium developments, gated residential communities, commercial and industrial developments and for additional phases that are contiguous with existing detached single unit residential PUDs and in the same HOA. <b>PUDs will not be allowed for single family homes unless in a gated community.</b>
32-8	Moved the PUD approval process from Chapter 26 Zoning ordinance to Chapter 32 Subdivision ordinance since a PUD is a subdivision.
32-8 (4)(1)(6)	City can require that any street in a PUD be a City owned and maintained street built to city standards, if the street is needed for public access to adjoining property or a master planned City street.

32-9 (3) (K)	Street lights are required in all subdivisions unless prohibited by recorded CC&Rs.
*32-9 (3) (L)	Rear yard lot line fences are required on double fronted lots.
*32-9 (3) (m)	Wild land accesses, minimum 20 feet wide, can be required for Subdivisions and PUDs adjoining public wild land.
*32-9 (3) (n) (1)	Requires off site access through property owned by the subdivider or developer to be fully improved except sidewalks.
32-9 (3) (n) (1)	Requires off site access through property not owned by the subdivider or developer to be improved only with 26 feet of paved road.
32-9 (6)	Increased the minimum water pressure in a subdivision or PUD from 35 to 40 psi.
32-9 (8)	Required a 20 foot wide public utility easements (PUEs) along all streets fronting commercial and industrial lots.
*32-9 (10) ( B)	A 10% warrantee bond will be required for all detailed and platted subdivisions and residential PUDs to cover the one year warrantee period for all the city owned and maintained improvements.
*32-9 (13) (A)	After the application and fees are submitted for any Subdivision or PUD, the construction of improvements will be prohibited before final plat approval , this includes clearing and grubbing. The City will be allowed to assess a pre-plat construction fee at time of final plan approval per City's fee schedule (\$500 per lot suggested) if any construction is started before approval of the final plat.
32-9 (13) (B)	The City will call the subdivider's or developer's improvement bond if the City owned and maintained improvements in detailed minor lot subdivisions, platted subdivisions or PUDs, and common improvements in residential PUDs are not installed within 2 years after the date of the final plat approval.
32-9 (13) (C)	Improvements are to be installed on each lot in a simple minor lot subdivisions before an occupancy permit is issued on any building on the lot.
32-9 (13) ( D)	All common improvements serving a lot in a commercial or industrial PUD are to be installed before the occupancy permit is issued for the building on that lot.
*32-9 (13) ( E)	No building permit will be issued in a platted subdivision or Detailed minor lot subdivision until all City owned and maintained improvements are installed and accepted.
32-9 (19)(B)	Minor lots subdivisions and commercial and industrial PUDs are required to convey water, according to the City's Water Acquisition ordinance, at time of receiving a building permit for each lot.